



3. The Complaint alleges, among other things, that the Defendants have violated Plaintiff's civil rights in violation of 42 U.S.C. § 1983, *et seq.*

4. The Complaint filed herein involves a civil action over which the District Court of the United States has original jurisdiction in that it is a civil action arising under the Constitution, treaties or laws of the United States and involves a federal question; therefore, this civil action is removable to this Court under the provisions of 28 U.S.C. § 1441(b) and 28 U.S.C. § 1331.

5. This Notice of Removal is proper in that it is filed within thirty (30) days of the date Defendants received service of the pleading setting forth the claim for relief upon which removal is based.

6. Written notice of the filing of this Notice of Removal will be given to Plaintiff and a copy of this Notice will be filed with the Circuit Court Clerk for Knox County, Tennessee as required by law.

WHEREFORE, Defendants Knox County, Tennessee, Sheriff Tom Spangler, individually and in his official capacity as Sheriff of Knox County, and Officer Jeremy Montgomery, individually and in his capacity as an Officer of the Knox County Sheriff's Office, by and through counsel and without waiving any defenses or objections to service of process, request that this action proceed in the United States District Court for the Eastern District of Tennessee as an action properly removed as provided in 28 U.S.C. § 1441, *et seq.*

Respectfully submitted,

/s/ Houston S. Havasy

HOUSTON S. HAVASY (BPR# 032154)

Deputy Law Director

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Counsel for Defendants

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular United States Mail, postage prepaid. Parties may access this filing through the Court's electronic filing system. I also hereby certify that a true and correct copy of the foregoing pleading has been forwarded to the following person(s) by U.S. mail, postage pre-paid to the last known address of:

T. Scott Jones  
Banks & Jones  
2125 Middlebrook Pike  
Knoxville, TN 37921

/s/ Houston S. Havasy  
HOUSTON S. HAVASY